

Article - Local Government

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§12-406.

(a) (1) The County Commissioners of Charles County may:

(i) purchase or lease personal property under a multiyear contract that requires the county commissioners to make installment or rental payments during 2 or more fiscal years;

(ii) pay interest as part of any installment or rental payments in accordance with the terms of the contract; and

(iii) pledge and assign the personal property purchased or leased to secure the obligation.

(2) (i) The county commissioners may enter into a contract described under paragraph (1) of this subsection only if:

1. the county commissioners have appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

2. subject to subparagraph (ii) of this paragraph, the contract authorizes the county commissioners to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

3. the contract provides that, except if the county commissioners default in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

4. the contract provides that, if the county commissioners default in payment under the contract, the obligation for payment is limited to:

A. money appropriated for contract payments for that fiscal year;

B. any money realized from the personal property purchased or leased under the contract; and

C. any other money legally available for contract payment.

(ii) The contract may provide that a contract termination is ineffective if the county commissioners purchase or lease personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

(b) (1) (i) The County Commissioners of Charles County may:

1. transfer without public sale an interest in surplus county property to another government unit in the county under terms and conditions and for consideration, if any, as determined by the county commissioners; and

2. execute and acknowledge any instruments necessary to transfer the property.

(ii) The county commissioners shall obtain three independent appraisals before selling surplus school board real property under this paragraph.

(2) Notwithstanding any other provision in this section, the county commissioners may transfer by public or private sale, any interest in surplus real property under terms determined by the county commissioners if the transfer of the property would contribute to economic development in the county.

(c) (1) To establish affordable housing for families of limited income as defined in § 4-901 of the Housing and Community Development Article or to address education, human services, housing, cultural, recreational, or community needs, the County Commissioners of Charles County may:

(i) by resolution, transfer surplus real property in the county to a private nonprofit corporation in the county or to the Housing Commission of Charles County, with or without consideration; or

(ii) sell or, if the State does not have a financial interest in the property, donate surplus school property that is transferred to the county by the school board, to a government unit or a private nonprofit corporation.

(2) Before transferring surplus property under this subsection, the county commissioners shall:

(i) hold a public hearing;

transfer; and

include:

1. compatibility of the proposed use with the neighborhood;

2. financial issues, including the ability of the proposed transferee to construct, renovate, maintain, and operate a facility on the property;

3. the historical significance of the property; and

4. unique characteristics of any structure on the property.

(3) The notice of the public hearing shall:

(i) be published at least once each week for 2 successive weeks, with the last notice advertised at least 7 days before the date of the hearing in a newspaper of general circulation in the county; and

(ii) include an appraisal of the property obtained by the county commissioners.

(4) The county commissioners shall adopt regulations to implement this subsection.

(d) (1) The County Commissioners of Charles County may:

(i) acquire by purchase, lease, condemnation, gift, or devise real property, or any interest in property, to establish county roads;

(ii) return real property to the original owner of the property or the owner's successor in interest when the property is no longer needed for road purposes;

(iii) sell at a public or private sale any property established as a county road when the property is no longer needed for road purposes; and

(iv) exchange real property established as a county road when the property is no longer needed for road purposes for other real property needed to establish county roads.

(2) The county commissioners shall advertise the sale or exchange of property under this section at least 20 days before the date of the sale or exchange.

(e) (1) If the County Commissioners of Charles County determine at a public sale of surplus county property that the highest bid is not reasonable, the county commissioners may reject all bids on the property.

(2) If the county commissioners reject all bids under this subsection, the county commissioners:

(i) shall record the highest bid in the minutes; and

(ii) may privately negotiate and sell the surplus property for a higher price if:

1. the settlement of the property sale is within 1 year from the day of the initial public sale; and

2. the county commissioners announce the privately negotiated agreement at the first meeting after reaching the agreement.

(3) The county commissioners shall adopt regulations to implement this subsection.

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